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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/220,277	12/23/1998	JAN HERMANUS ELENBAAS	PHA23.590	3711

24737 7590 04/21/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 04/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/220,277

Applicant(s)

ELENBAAS ET AL.

Examiner

Son P Huynh

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-16.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 10. Other: Applicants argue the finality of the Office Action (Paper No. 11) issued on 12/18/2003 is premature because "the examiner introduces a new ground of rejection..." Examiner respectfully disagrees. It is noted that the Office Action (Paper No. 11) issued in response to Amendment (Paper No. 7) filed on July 23, 2002). Amendments to the specification, and claims in this Amendment (Paper No. 7) changed the scope of the claims, requires more search and further consideration. Therefore, the finality of the Office Action (Paper No. 11) is appropriate.

Applicants further argue neither Merlino nor Zhang, individually or collectively, teach a classifier that classifies story segments in a video stream (page 7, paragraph 5). Examiner respectfully disagrees.

It is noted that claim 1 does not recite "classifies story segments in a video stream." In addition, Merlino discloses modifying detection program to tag a story as weather if it falls within the time periods and uses the listed items ((page 383, right column, par. 1, lin 6+). Scene change detection and video classification....(section 4.1, lines 9-18). BNN enables a user to search and browse the original video by program, date,...or topic of interest (section 4.2).

Furthermore, Zhang discloses shots can be classified into different categories: news shots; commercial break shots; weather forecast shots, etc. (page 50, section 2.2.5, lines 12-17; page 47, section 2.2, line 2+; page 52, section 4, line 1+).

As shown above, both Merlino and Zhang clearly teaches a classifier for associating one or more classifications to each story segment. Therefore, The Examiner maintains the rejection as discussed in the Office Action issued on 12/18/2003.

The Examiner also provide following references to support that classification of video data is well known in the art. US 6,138,147; US 5,659,350; US 5,550,863. .



VIVEK SRIVASTAVA
PRIMARY EXAMINER